



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,630	11/12/2003	Marguerite B. McDonald	55915-79433	7979
44777	7590	12/19/2005		
W. EDWARD RAMAGE			EXAMINER	
COMMERCE CENTER SUITE 1000			PREBILIC, PAUL B	
211 COMMERCE ST				ART UNIT
NASHVILLE, TN 37201				PAPER NUMBER
			3738	

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

89

<b>Interview Summary</b>	Application No.	Applicant(s)
	10/706,630	MCDONALD, MARGUERITE B.
	Examiner Paul B. Prebilic	Art Unit 3738

All participants (applicant, applicant's representative, PTO personnel):

(1) Paul B. Prebilic. (3) \_\_\_\_\_.

(2) Edward Ramage (Reg.# 50,810). (4) \_\_\_\_\_.

Date of Interview: 13 December 2005.

Type: a) Telephonic b) Video Conference  
c) Personal [copy given to: 1) applicant 2) applicant's representative]

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: An interview request form, a comparison diagram, and a proposed amendment to claim 1 was filed for discussion purposes (see attachment).

Claim(s) discussed: 1.

Identification of prior art discussed: Mandell, Portney, Gupta, Cummings, Nordan, and Khouri were discussed (all prior art of record).

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
Paul B. Prebilic  
Primary Examiner

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Examiner reviewed the proposed claim 1 and determined that it would appear to overcome the rejections of record. The Examiner thought that Nordan and Khouri would be the closest prior art of record to proposed claim 1, but he thought that they do not really have concave portions where there are indentations on the convex surfaces thereof. Rather, the indentations are not concave as the inside of a hemisphere is concave, but will have to study the meaning of this term in more detail. The Examiner would have to study the proposed claim in more detail to determine if it can be read on the prior art of record. In addition, an additional search will be conducted. The Examiner informed Mr. Ramage that "the optical axis" in two locations and "the eye" in one location appear to lack antecedent basis in proposed claim 1. Mr. Ramage was informed that he had until December 27, 2005 to file an amendment without paying an extension of time fee.

LAW OFFICES  
**BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ**  
A PROFESSIONAL CORPORATION  
COMMERCE CENTER • SUITE 1000  
211 COMMERCE STREET  
NASHVILLE, TENNESSEE 37201

(615) 726-5600

Facsimile  
(615) 726-0464

**FACSIMILE TRANSMISSION FORM**

**PLEASE DELIVER IMMEDIATELY**

**DATE / TIME: DECEMBER 8, 2005 / 01:29 PM**

**DELIVER TO: COMPANY: FAX NO.: PHONE NO.:**

PAUL PREBILIC USPTO (571) 273-4758

**FROM:** W. Edward Ramage

**PHONE NO.:** (615) 726-5771

**FAX NO.:** (615) 744-5771

**USER NO.:** 010115

**CLIENT/MATTER NO.:** 2900004-000002

**MESSAGE:** Please see attached.

**NOTE:** This facsimile contains **PRIVILEGED** and **CONFIDENTIAL** information intended only for the use of the specific individual or entity named above. If you or your employer are not the intended recipient, you are hereby notified that any unauthorized dissemination or copying of this facsimile or the information contained in it is strictly prohibited. If you have received this facsimile in error, please immediately notify the person named above at once by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you.

**Unless otherwise expressly stated, nothing in this cover sheet or in any attachment hereto is intended to or can be used by any recipient to avoid the imposition of federal tax penalties.**

Page 1 of 4

PTOL-413A (09-04)  
Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

### Applicant Initiated Interview Request Form

Application No.: 10/706,630 First Named Applicant: McDonald, M.  
Examiner: PREBILIC, PAUL Art Unit: 3738 Status of Application: Non-final

**Tentative Participants:**

(1) W. Edward Ramage (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_

Proposed Date of Interview: December 13, 2005 Proposed Time: 3:00 PM(AM/PM)

**Type of Interview Requested:**

(1)  Telephonic (2)  Personal (3)  Video Conference

Exhibit To Be Shown or Demonstrated:  YES  NO

If yes, provide brief description: Chart comparing lens geometry

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>Rej</u>	<u>1</u>	<u>Mandell,</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	<u>Portney,</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	<u>Gupta</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
[ ] Continuation Sheet Attached					

**Brief Description of Arguments to be Presented:**  
Whether the lens of McDonald, as shown in Figs. 2 and 4,  
is anticipated by the prior art, or is the primary basis  
for rejection the language of claim 1.

An interview was conducted on the above-identified application on \_\_\_\_\_.  
 NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

W. Edward R.  
Applicant/Applicant's Representative Signature

Examiner/SPE Signature

W. Edward Ramage  
Typed/Printed Name of Applicant or Representative

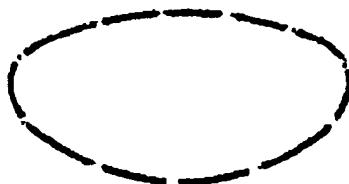
50,810  
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## COMPARISON OF LENS FRONT AND SIDE VIEWS

McDonald -  
App. 10/706,630

**Front View**  
(from front of eye looking  
into eye)

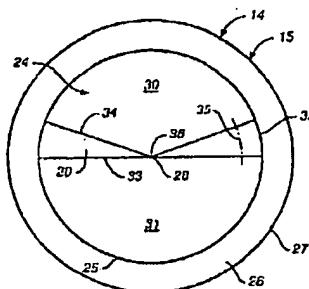


McDonald  
(present application)

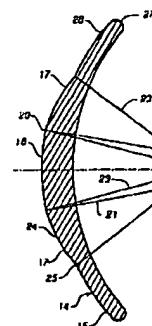
(from Fig. 4)

(from Fig. 2)

Mandell et al  
(US 6,871,953)

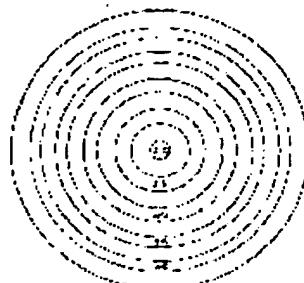


(from Fig. 6)



(from Fig. 1)

Portney  
(US 4,898,461)

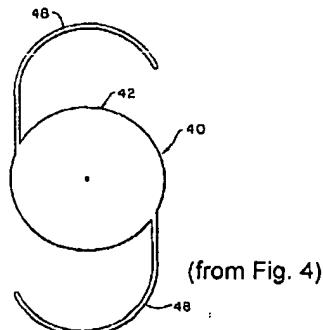


(from Fig. 5)

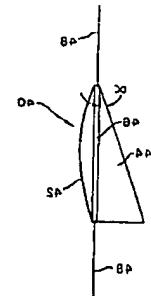


(from Fig. 4)

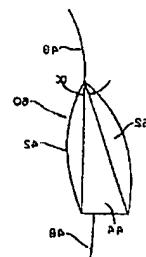
Gupta et al  
(US 5,728,156)



{from Fig. 4}



(from Fig. 3)



(from Fig. 5)

Appl. No. - 10/706,630  
Amendment dated Dec. \_\_\_, 2005

### DRAFT CLAIM 1 PROPOSAL

#### Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the application:

#### Listing of Claims:

Claim 1 (amended). A multifocal intraocular lens, said lens comprising:

a lens body having a substantially an elliptical anterior surface with an upper portion and a lower portion, a substantially an elliptical posterior surface with an upper portion and a lower portion, an upper portion, and a lower portion, wherein the anterior surface is convex, the upper portion of the posterior surface is concave, and the lower portion of the posterior surface is convex;

wherein the lower portion of the anterior surface and the lower portion of the posterior surface meet at a bottom edge, and the upper portion of the anterior surface and the upper portion of the posterior surface meet at a top edge;

*→*  
No ante  
said bottom edge having a semicircular shape in cross-section along the optical axis, the lens body tapering upwards to create a tapering periphery at the top edge, so that the lower portion of the lens body is thicker than the upper portion of the lens body;

said lower portion having a semicircular shape in cross-section and tapering upwardly toward said upper portion to create a tapering periphery, wherein a cross-sectional profile of said lens body is comma-shaped;

said anterior surface and said posterior surface of said upper portion each having at least one radius of curvature,

*No ante*  
wherein said lens body encompasses the optical axis of the eye depending upon the position of the eye.